

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOANNA CASTRO,
PLAINTIFF

V.

ALBERT SALINAS,
DEFENDANT

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CIVIL NO. 5:18-CV-00312-DAE

DEFENDANT'S DESIGNATION OF EXPERT WITNESSES

TO THE HONORABLE U.S. DISTRICT COURT:

Defendant SALINAS ("Defendant") makes these expert disclosures in the above styled and numbered cause of action, through its attorneys of record, and files this Defendant's Designation of Expert Witnesses in accordance with the December 19, 2018, Order Granting Joint Motion To Extend Scheduling Order Deadlines, and designates expert witnesses as required by Federal Rule of Civil Procedure 26(a)(2).

I.

Identity of Experts

Retained Experts

The following individual has expertise in their respective field, has been retained as an expert for the purposes of litigation; may provide expert testimony regarding his specific areas of knowledge; and may be used at trial to present evidence under Federal Rule of Evidence 702, 703, or 705:

Jerry R. Staton
Affordable Realistic Tactical Training (ARTT)
16705 Fagerquist Road
Del Valle, Texas 78617
(512) 247-2731

Jerry R. Staton is an expert witness in this lawsuit. Mr. Staton will testify regarding his report and opinion given based on the review of the pleadings, documents, videos and audio recordings in this case as enumerated in his report. Mr. Staton will further testify on police procedures and the use of excessive force. It is anticipated that Mr. Staton will testify that appropriate measures were taken by Officer Salinas in the course and scope of his duties in his encounters with Plaintiff, Joanna Castro.

Mr. Staton's opinions will be based upon the pleadings; discovery documents; depositions; reports; arrest reports; booking records; medical records; videos; audios; relevant statutes, regulations, codes and case law; Olmos Park Police Department Policy & Procedures Policies and Procedures; and any exhibits and/or evidence that have been produced pursuant to the discovery process in this case.

Information regarding expert's professional experience, education and accomplishments, please refer to the attached curriculum vitae. Mr. Staton's written report, with designated materials/exhibits; curriculum vitae with publications; cases testified as expert; and fee schedule are attached hereto as [DEFT 00008-00030].

Defendant also incorporates herein for all purposes as though set forth verbatim, the testimony of Mr. Staton in his oral deposition reflecting his opinions and conclusions and the bases therefore, at such time as it is taken herein.

Defendant and/or additional Defendants who have not filed a response and/or answer to the instant lawsuit as of this date, reserve(s) the right to prepare and/or supplement his/their Designation of Expert Witnesses as deemed necessary and/or as determined by the Court.

Non-retained Experts

Patrick C. Bernal

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation
2517 North Main Avenue
San Antonio, Texas 78212
(210) 227-3243

Mr. Bernal has been practicing law since 1983, all mostly within the litigation field and municipal law field. He is licensed in all courts of the State of Texas, and admitted to practice in the Western and Southern U.S. District Courts of Texas, and the U.S. Court of Appeals for the Fifth Judicial Circuit. Mr. Bernal is anticipated to testify regarding any allegation of entitlement to attorney's fees by the Plaintiff and will testify as to the reasonable fees in civil rights cases, of which he has several years experience.

Adolfo Ruiz

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation
2517 North Main Avenue
San Antonio, Texas 78212
(210) 227-3243

Mr. Ruiz has been practicing law since 1984, all mostly within the litigation field and municipal law field. He is licensed in all courts of the State of Texas, and admitted to practice in the Western, Eastern, Northern and Southern U.S. District Courts of Texas, U.S. Court of Appeals for the Fifth Judicial Circuit and the U.S. Supreme Court. Mr. Ruiz is anticipated to testify regarding any allegation of entitlement to attorney's fees by the Plaintiff and will testify as to the reasonable fees in civil cases, of which he has several years of experience.

Lowell F. Denton

DENTON NAVARRO ROCHA BERNAL & ZECH
A Professional Corporation
2517 North Main Avenue
San Antonio, Texas 78212
(210) 227-3243

Mr. Denton has been practicing law since 1976, all mostly within the litigation field and municipal law field. He is licensed in all courts of the State of Texas, and admitted to practice in the Western and Southern U.S. District Courts of Texas, the U.S. Court of Appeals for the Fifth Judicial Circuit, and the United States Supreme Court. Mr. Denton is anticipated to testify regarding any allegation of entitlement to attorney's fees by the Plaintiff and will testify as to the reasonable fees in civil rights cases, of which he has several years experience.

Résumés for Mr. Bernal, Mr. Denton and Mr. Ruiz have been previously produced [DEFT 00001-00007].

Mr. Bernal, Mr. Denton and/or Mr. Ruiz will testify in rebuttal as to the reasonable and necessary attorney's fees claimed by Plaintiff and the factors and evidence relating to the claim for attorney's fees in this matter. This response is subject to supplementation regarding their opinions as discovery proceeds and information is produced by the Plaintiff regarding attorney's fees.

II.

Defendant reserves the right to elicit testimony from any and all expert witnesses designated in this case. Defendant states that it has not been determined who will be called to testify at the trial of this cause, but Defendant reserves the right to elicit opinion testimony, without limitation, from any and all witnesses or experts who may be designated by Plaintiff and hereby reserve the right to call those persons during Defendant's case in chief or in rebuttal.

III.


Defendant requests this Designation be considered as a supplementation of any and all discovery requests seeking information regarding expert witnesses.

Signed this 22 day of January, 2019.

Respectfully submitted,

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BY:


PATRICK C. BERNAL
State Bar No. 02208750
ADOLFO RUIZ
State Bar No. 17385600
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been served upon the below named individual(s) via certified mail, return receipt requested, unless otherwise indicated, and according to the Federal Rules of Civil Procedure on the 22 day of January, 2019.

Millie L. Thompson
The Law Office of Millie L. Thompson
1411 West Avenue, Ste. 100
Austin, Texas 78701

E-NOTIFICATION
Email: millieaustinlaw@gmail.com


PATRICK C. BERNAL
ADOLFO RUIZ

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